

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Case No. 2:20-CR-19 JCM (NJK)

Plaintiff(s),

ORDER

v.

BARRY ALLEN GABELMAN,

Defendant(s).

Presently before the court is Barry Gabelman's motion to withdraw his CJA-appointed counsel. (ECF No. 137).

On April 15, 2022, the court granted Gabelman's third motion to withdraw his counsel (ECF No. 130) and subsequently appointed CJA attorney Dan Hill as new counsel on April 22, 2022 (ECF No. 132).

Within one month of this new appointment, Gabelman filed yet another motion to withdraw counsel, citing a "deteriorated" attorney-client relationship and "complete lack of communication." (ECF No. 137 at 3). Gabelman's complaints echo each of his prior motions to withdraw counsel.

Local Rule IA 11-6(e) provides that "[e]xcept for good cause shown, no withdrawal or substitution will be approved if it will result in delay of discovery, the trial, or any hearing in the case." Given Gabelman's upcoming sentencing set for July 20, 2022, and his repeated refrains of identical issues across numerous appointed counsel, the court does not find good cause to grant a withdrawal.


While the Sixth Amendment guarantees criminal defendants the right to "reasonably effective" assistance of counsel, Gabelman has not demonstrated that his current counsel is

1 reasonably ineffective. *See Strickland v. Washington*, 466 U.S. 668, 687 (1984). Therefore,
2 the court finds it appropriate for Dan Hill to continue representing Gabelman for the
3 remainder of his criminal proceedings pursuant to 18 U.S.C. § 3006A and LCR 44-3, absent
4 a future finding by the court to grant withdrawal or substitution of counsel for good cause.

5 Accordingly,

6 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that Gabelman's motion
7 to withdraw his most recent CJA-appointed counsel (ECF No. 137) be, and the same hereby
8 is, DENIED.

9 DATED June 3, 2022.

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UNITED STATES DISTRICT JUDGE